

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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<b>In the matter of:</b>	:	
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<b>Cargo Airline Association</b>	:	
<b>Petition for Expedited Declaratory Ruling</b>	:	<b>CG Docket No. 02-278</b>
<b>Regarding Non-Telemarketing</b>	:	
<b>Package Notifications</b>	:	
	:	
<b>Rules and Regulations Implementing the</b>	:	
<b>Telephone Consumer Protection Act of 1991</b>	:	

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**AIRLINES FOR AMERICA STATEMENT IN SUPPORT OF CARGO AIRLINES  
ASSOCIATION PETITION**

Airlines for America (A4A) submits this statement in response to the Federal Communications Commission (FCC or Commission) Public Notice concerning a Cargo Airlines Association Petition for Declaratory Ruling asking that delivery companies can rely upon representations from package senders that a package recipient consents to receiving autodialed and prerecorded customer service notifications regarding the status of a package through wireless telephone numbers.

A4A members and their affiliates transport more than 90 percent of all U.S. airline passenger and cargo traffic and therefore are interested parties in this proceeding.<sup>1</sup>

The Commission should permit delivery companies to rely upon representations from intermediary or associated third parties that a customer has provided express consent to receive autodialed and prerecorded non-telemarketing calls and messages on wireless telephones under the Telephone Consumer Protection Act (TCPA) because doing so is in the public's interest and the Commission has permitted such activity in the past. The purpose for this request is to allow delivery companies to better serve the public, recognizing consent given to third parties will provide customers with more and timely information about a package. Customers that order a package and provide contact information will welcome and expect updates on a package delivery. Application of this consent to wireless telephones is important because many customers no longer subscribe to wireline telephone service and notification to wireless telephones provides greater opportunity to reach a customer.

In addition, the Commission has recognized "transferred consent" in at least two other contexts in the past decade and should carry forward that same concept in the very limited circumstances of non-telemarketing package delivery calls. As CAA notes in its petition, the Commission

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<sup>1</sup> A4A members include: Alaska Airlines, American Airlines, Inc., Atlas Air, Inc., Delta Air Lines, Inc., Federal Express Corporation, Hawaiian Airlines, JetBlue Airways Corp., Southwest Airlines Co., United Continental Holdings, Inc., United Parcel Service, Co. and US Airways, Inc.; Air Canada is an associate member.

recognized and permitted prior consent in the debt collection and insurance industries in 2008 and 2005 respectively. Application of prior consent to the package delivery industry makes even more sense given that customers will only be contacted if they have ordered and are expecting a package.

We respectfully request the Commission grant the CAA's request and recognize prior consent in the wireless telephone context.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas K. Mullen". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

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